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PATENT

Attorney Docket No.: A-67648-1/RFT/SPL

TECH CENTER 1600/2900

JUN 11 2002

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Takanori Ohnishi

Examiner: Mary Schmidt

Group Art Unit: 1635

Serial No. 09/260,624

Filed: March 1, 1999

For: Antisense Inhibition  
of RAD51

**CERTIFICATE OF MAILING**  
I hereby certify that this correspondence, including listed  
enclosures, is being deposited with the United States Postal  
Service as First Class Mail in an envelope addressed to:  
Assistant Commissioner for Patents, Box Missing Parts,  
Washington, DC 20231.

Date: May 14 2002

Signed: Tina M. Ingrande

**RESPONSE TO  
NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA)**

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, DC 20231

Sir:

In response to the Notice To File Missing Parts mailed March 13, 2002 for the above-referenced application, Applicants submit a check for the filing fee and surcharge. A check for the following fees is enclosed:

	<u>NO. FILED</u>	<u>NO. EXTRA</u>	<u>RATE</u>	<u>FEE</u>
Basic Fee				\$ 370
Total Claims	<u>27-20</u> =	7	x 9 =	\$ 63
Indep. Claims	<u>9-3</u> =	6	x 42 =	\$ 252
Late Surcharge				\$ 65
<b>TOTAL</b>				<b>\$ 750</b>

The Commissioner is hereby authorized to charge any additional fees, including any extension fees, which may be required or credit any overpayments to account No. 06-1300 (Order No. A-67648-1/RFT/SPL).

**Serial No.:** 09/397,691  
**Filing Date:** 16 September 1999

in a waveguide cavity". Neither Partlow, Lee, Ponne, or Fujikawa disclose placing a sample in a waveguide cavity. The sample is placed above a waveguide in Partlow, in an electrode-containing channel in Lee, in an electrode-containing tube in Ponne, and in a conventional microwave oven in Fujikawa. The limitation of "placing a sample in a waveguide cavity, said waveguide cavity having an input port and an output port" allows for the application of microwave radiation at an input power level, "said microwave radiation exiting said output port at an output power level". Applicants have reviewed the cited references and can find no recitation or suggestion for placing the sample in a device having a port for entering radiation, and a port for exiting radiation.

Accordingly, Applicant respectfully submits that the cited references taken alone, or in combination fail to disclose or suggest all limitations of Applicant's claim 25. Claims 26-36 depend from and include all limitations of claim 25. Applicant therefore submits that the 35 USC §103(a) rejection of claims 25-36 be withdrawn.

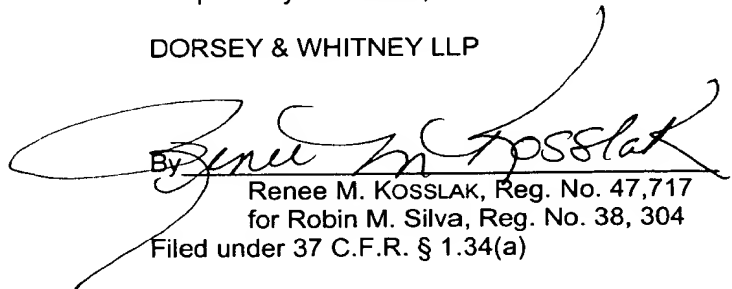
Applicant has added new claims 32-40 which further distinguish over the cited art. For example, claim 32 further requires that the sample be contained in a vial, a portion of which remains outside the waveguide cavity. The cited art fails to disclose or suggest these features. Other of the added claims present other features that are neither disclosed nor suggested by the cited art.

### CONCLUSION

Accordingly, Applicant submits that the claims are now in condition for allowance and an early notification of such is earnestly solicited. The Examiner is invited to telephone the undersigned attorney in the event that further issues are identified that would preclude allowance of the claims.

Respectfully submitted,

DORSEY & WHITNEY LLP

By   
Renee M. KOSSLAK, Reg. No. 47,717  
for Robin M. Silva, Reg. No. 38, 304  
Filed under 37 C.F.R. § 1.34(a)

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UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER FILING/RECEIPT DATE

FIRST NAMED APPLICANT

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COPY OF PAPERS  
ORIGINALLY FILED

DATE MAILED:

**NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA)**  
**Filing Date Granted**

The Continued Prosecution Application (CPA) request filed on 8-1-01 is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below.

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.

- ☒ 1. The statutory basic filing fee is:

☒ missing.  
☐ insufficient.

(a) Applicant must submit \$\_\_\_\_\_ to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$ 355.00 to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$\_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

- ☐ 2. Additional claim fees of

\$\_\_\_\_\_ (non-small entity) or \$ 240.00 (small entity) for 4 independent claims over 3.  
\$\_\_\_\_\_ (non-small entity) or \$ 63.00 (small entity) for 7 claims over 20.  
\$\_\_\_\_\_ (non-small entity) or \$\_\_\_\_\_ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).  
☐ 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.  
☐ 5. Other: \_\_\_\_\_

**A copy of this Notice MUST be returned with the reply.**

Direct the reply and any questions about this Notice to:

Katrina Turner

Examining Group 1600

(703) 305-3413

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